

ORIGINAL  
DOCKET FILE COPY ORIGINAL  
RECEIVED

Before The  
Federal Communications Commission  
Washington, D.C. 20554

JUN 13 1997  
DOCKET FILE COPY ORIGINAL  
Federal Communications Commission  
Office of Secretary

In the Matter of

Advanced Television Systems  
and Their Impact Upon the  
Existing Television Broadcast Service

)  
)  
)  
)  
)

MM Docket No. 87-268

To: The Commission

DOCKET FILE COPY ORIGINAL

**PETITION FOR RECONSIDERATION**

Prairie Public Broadcasting, Inc. ("PPB"), licensee of seven noncommercial educational television stations serving the State of North Dakota and a large portion of Northwestern Minnesota, by its counsel, hereby petitions for reconsideration of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*") in three respects.

First, the allotment of Channel \*39 to PPB's TV Station KFME(TV), Fargo, North Dakota will likely result in substantial areas of interference from the assigned DTV adjacent Channel 38 for KXJB(TV), Valley City during DTV transition. PPB seeks reconsideration of its KFME(TV) allotment and substitution of another, comparable or superior Channel to pair with KFME(TV).

Second, PPB seeks reconsideration insofar as the *Sixth R&O* allocates four UHF DTV channels to pair with PPB's four low-band VHF NTSC channels. Such pairings have devastating consequences for PPB. As described herein, requiring PPB to use Channel \*56 for KGFE-TV, Channel \*2, Grand Forks; Channel \*57 for KSRE(TV), Channel \*6, Minot; and Channel \*51 for KWSE(TV), Channel \*4, Williston, and Channel \*22 for Station KBME(TV), Channel \*3, Bismarck, all in North Dakota, will cause substantial and unnecessary hardship for PPB's seven station network. Conversion to any UHF channel for these four stations at the prescribed power

No. of Copies rec'd CH  
List A B C D E

levels imposes unnecessary hardship by requiring large increases in annual expenditures well beyond the financial capability of the nonprofit organization. Moreover, the *Sixth R&O* allocates out-of-core channels as the paired DTV channels for two of PPB's stations -- Channel \*56 for KGFE-TV, Channel \*2, Grand Forks and Channel \*57 for KSRE(TV), Channel \*6, Minot. Thus, PPB would be saddled with duplicate conversion costs for these largely rural facilities.

Third, the lack of demonstrated commitment to provide specific, protected DTV allocations to vacant NTSC noncommercial assignments severely restricts PPB's ability to consider viable facilities to replicate current services.

### **INTRODUCTION**

At the outset, PPB compliments the Commission on the substantial effort reflected in the DTV Table of Allotments and the Fifth and Sixth Reports and Orders in this proceeding. PPB appreciates that the FCC has recognized and tried to accommodate the unique needs of public television stations. PPB also understands that complicated considerations that will have to be undertaken by the Commission as it deals with this Petition and others filed by commercial and noncommercial educational television stations. Nevertheless, PPB believes that alternative DTV channels as requested in this Petition would serve the public interest<sup>1/</sup>.

---

<sup>1/</sup> In view of the Commission's and Broadcasters Caucus proposals, and in recognition of the fact that the Commission and the broadcasting industry urged that individual broadcasters not file separate comments, PPB saw no necessity to participate in the proceeding earlier on an individual basis. PPB did participate, however, in the form of comments filed on its and other public TV stations' behalf by the Public Broadcasting Service and America's Public Television Stations. Therefore, the requirements of Section 1.429 of the Rules with respect to petitions for reconsideration should be deemed satisfied. If necessary, however, PPB requests waiver of Section 1.429 to the extent necessary for the Commission to consider its petition, in view of the public interest issues raised herein.

PPB has operated North Dakota's public television network since flagship Station KFME(TV) commenced operations in 1964, providing high quality educational, informational and cultural programming, including children's programming, to the largely rural State of North Dakota and a large portion of Minnesota. PPB is a 501(c)(3) nonprofit educational organization and the state-wide public broadcasting operator in North Dakota. PPB operates full-service TV Station KFME(TV) in Fargo, six other full-service satellite/repeater TV stations and two TV translators, as well as a public broadcasting radio network comprised of one full-service station, four satellite/repeaters and seven FM translators. Prairie's TV network stations are the only CPB-qualified public television stations in the entire state due to the financial realities of operating noncommercially in a geographically-large, sparsely-populated state. Prairie serves its widespread and largely rural audience only through careful management of the operating costs and revenue of its operation. Thus, the digital transition costs and annual operating expenses of its far-flung stations are critical to PPB and its viewer-supporters. By necessity, as a noncommercial educational licensee, PPB must be a careful steward of its resources, even while it seeks to make the digital transition required of all broadcasters. PPB has planned to continue its high-quality public television service to viewers in the digital television era and looked forward to the activation of DTV facilities at all seven of its public TV stations. Yet, the allocation of Channels \*56, \*57, \*51,\*22 and \*39 as its paired DTV channels for five of its seven stations, however, creates enormous obstacles to the achievement of these goals, as detailed below, and threatens the ability of PPB to continue to provide public television service to North Dakotans and Minnesotans.

The Commission should note that PPB is conducting engineering studies and anticipates that it and the Commission, working together, can find workable DTV channels within the core spectrum to substitute for Channel \*56, \*57, \*51, \*22 and \*39. PPB also believes that there are workable VHF allocations for some or all of these stations and that these substitutions can be made before or at the end of the transition period without significant disruption to other allotments or diminution in coverage area. In these respects, PPB seeks relief by this petition.

A. The Allotment of a DTV Channel Adjacent to KXJB(TV) Creates the Potential For Extreme Interference to KFME(TV) During the Transition

The allocation table assigns Channel \*39 to KFME(TV), Fargo and an adjacent channel, Channel 38, to KXJB(TV), Valley City. These stations are only 20 miles apart. Although the Commission's DTV model (and other digital models) show little resulting interference within the current Grade B contours of the stations, these models are premised on full power operation -- not on reduced power operation during DTV transition.<sup>2/</sup> PPB is concerned that its possible operation of KFME(TV) as a digital channel using lower-than-assigned power during the transition may result in extreme amounts of adjacent channel interference well within KFME(TV)'s DTV service area. Such interference would be devastating to PPB, to DTV conversion in Fargo and to the residents in Fargo and surrounding areas. Fargo is the State of North Dakota's largest city. PPB is headquartered in Fargo and Station KFME(TV) is the hub station of PPB's statewide public TV network. Approximately 190,000 persons (30% of the state's population) reside within the KFME(TV) coverage area. Failure to provide an adequate

---

<sup>2/</sup> See *Fifth Report and Order* in MM Docket No. 87-268, FCC 97-116 (released April 21, 1997) ("*Fifth R & O*"), Note 161 ("we should allow construction initially of DTV facilities that provide service to a smaller area").

digital public television service in Fargo and surrounding areas due to adjacent channel interference from KXJB(TV) will hamper digital conversion.

At this time, PPB plans to abandon its interim UHF facility on Channel \*38 (or a substitute channel) transmission at the end of the transition and convert its existing Channel \*13 NTSC facility for KFME(TV) to DTV operation. The Commission should work with PPB to find an alternative channel to utilize during the transition at a lower power level so that adequate digital public TV service is available to most North Dakotans.

**B.     The Allotment of UHF DTV Channels for Low-band VHF NTSC Transmitters Imposes Significant Burdens on Prairie Public Broadcasting and Threatens Public TV Service to North Dakotans**

---

Requiring PPB to build four UHF DTV facilities, including three high-band UHF facilities, for replication of its low-band VHF NTSC facilities will have devastating consequences for PPB.

As a public broadcaster providing service to large rural areas of the country, PPB must be diligent in the use of public funds to provide the widest possible public service. The use of VHF NTSC facilities has made it possible to provide service to nearly the entire State of North Dakota with only seven transmitters and relatively low operational costs. The assigned channels and power levels would require an additional annual expenditure of approximately \$370,000 for power costs and tube replacement. This amounts to a 400% increase from current annual expenditures. This is well beyond the financial capability of PPB. DTV facilities on VHF channels would cure this problem and ensure continued public TV service for North Dakotans. PPB intends to utilize its current core VHF channels at two locations (Fargo, Channel 13, and Dickinson, Channel 9) for DTV services at the end of the transition, and construct low-power

temporary facilities for these stations during the transition. For the remaining four stations, including the two stations with DTV allotment currently not within the core (Grand Forks, Channel 56, and Minot, Channel 57), PPB seeks the use of VHF channels either available during the transition or perhaps channels available only at the end of the transition, and plans to use temporary UHF DTV facilities during the transition. Initial engineering studies indicate that VHF channels may be appropriate for at least three of PPB's transmitters during the transition: either Channels 8, 9 or 10 for KBME in Bismarck, Channels 7 or 8 for KSRE(TV) in Minot, and Channel 13 for KWSE(TV) in Williston, although confirmation of this fact has been hampered by the unavailability of appropriate engineering tools. The Commission should work with PPB to provide VHF DTV channels for all of PPB's existing VHF stations either before or at the end of the transition.

C. The Allotment of UHF DTV Channels For NTSC Transmitters Out of the Core Imposes Significant Additional Burdens on Prairie Public Broadcasting

Even worse, the Commission's proposal for PPB to activate two of its DTV channels on Channels \*57 and \*58 would require PPB to change channels for each of these stations after the transition period. Under any scenario of the *Sixth R&O*, these DTV channels would be reclaimed by the Commission for other purposes as they are outside of the core spectrum for TV operations. Thus, under the *Sixth R&O*, PPB would be required to activate its two DTV stations, only to move them to other channels after the transition period. The enormity of this burden is evident -- requiring PPB to build two DTV facilities for two stations out of the core; one during the transition and one at the end of the transition; would impose a severe and unnecessary hardship upon PPB. This is a particularly important issue for PPB stations KGFE in Grand Forks (NTSC Channel 2) and KSRE in Minot (NTSC Channel 6) as the lower VHF

spectrum in which the current NTSC facilities operate (Ch. 2-6) could prove unsuitable for DTV operation.<sup>3/</sup> Thus, PPB could be forced to forgo the option of using its existing NTSC channels at the end of the transition. The Commission should seek to work with PPB to find suitable channels within the core spectrum to avoid the requirement to build two DTV facilities at each of these two locations.

D. The Lack Of Allocations for Vacant Noncommercial Channels Severely Limits PPB's Ability to Construct Affordable Facilities

In its *Sixth Report and Order*, the Commission stated a commitment to provide DTV allocations for vacant noncommercial NTSC allotments. Yet the allocation and assignment table shows no evidence of this commitment. PPB's current facility KGFE(TV) serves an extremely large area of the region. It would be in the public interest to consider building two DTV facilities to cover this existing area instead of just one, in order to control operational costs. The Commission should uphold its commitment to provide allocations to the existing vacant non-commercial NTSC channels, including Channel \*22 in Devils Lake and Channel \*33 in Crookston, Minnesota.

---

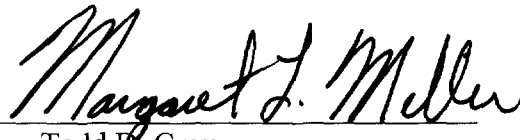
<sup>3/</sup> Moreover, PPB should note that the Grand Forks area, which was ravaged by recent natural disasters, is ill-equipped to support financially the construction of two digital public television conversions.

## CONCLUSION

For the foregoing reasons, PPB requests reconsideration of the *Sixth R&O* to the extent that it allocates Channel \*56 for KGFE-TV, Grand Forks, Channel \*57 for KSRE(TV), Minot, Channel \*51 for KWSE(TV), Williston, Channel \*22 for KBME(TV), Bismarck, and Channel \*39 to KFME(TV), Fargo.

Respectfully submitted,

**PRAIRIE PUBLIC BROADCASTING, INC.**

By:   
Todd B. Gray  
Margaret L. Miller  
Candace W. Clay

DOW, LOHNES & ALBERTSON, PLLC  
1200 New Hampshire Avenue, N.W., #800  
Washington, DC 20036  
202-776-2000

June 13, 1997